

ZONING BOARD OF APPEALS  
MINUTES  
AUGUST 25, 2009

The meeting was called to order by Chairman Richard Garrity at 7:32 p.m. Board Members Gregory Constantino, Barbara Fried, Edward Kolar, Mary Ozog, Dale Siligmuller and Michael Waterman were present. Also present were Trustee Liaison Pete Ladesic and Building and Zoning Official Joe Kvapil.

Chairman Garrity described the procedures of the Zoning Board of Appeals.

Ms. Fried moved, seconded by Mr. Kolar, to approve the minutes of the July 28, 2009 and August 11, 2009 Zoning Board of Appeals meetings. The motion carried unanimously by voice vote.

On the agenda were public hearings for properties located at 94 N. Main Street and 592 N. Main Street.

PUBLIC HEARING – 94 N. MAIN STREET

A REQUEST FOR APPROVAL OF A VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-8-6(B)3, TO ALLOW THE ALTERATION OF AN EXISTING NONCONFORMING ACCESSORY STRUCTURE WITHIN THE REQUIRED SIDE YARD SETBACK IN LIEU OF THE REQUIREMENT THAT THE ALTERATION CONFORM WITH ALL REGULATIONS IN THE DISTRICT IN WHICH IT IS LOCATED.

*(Tom and Barbara Eichler, Owners)*

Staff Introduction

Building and Zoning Official Joe Kvapil stated that Tom and Barbara Eichler, the petitioners and owners of 94 N. Main Street, are requesting one variation from the Zoning Code, Section 10-8-6)B-3, to allow the structural reconstruction and alteration of a roof on an existing accessory building within the required side yard setback. Mr. Kvapil displayed a photograph of the subject house. He also displayed a map and described the location of the subject property which is an interior lot in the R2 residential district. Mr. Kvapil stated that Village records indicate that no building permits have been issued and no zoning variations have been granted for the subject property.

Mr. Kvapil displayed a plat of survey and indicated the existing house and one existing 422-square foot nonconforming accessory structure (shed) located on the property. Mr. Kvapil clarified that the subject structure is not a garage and that an accessory structure is not allowed to be that large unless it is a garage. Mr. Kvapil also stated that the Zoning Code does not allow a nonconforming structure to be altered or enlarged unless the alteration or addition conforms to all current zoning regulations. Mr. Kvapil displayed a site plan and indicated the existing setbacks and nonconforming area of the shed. He stated that the roof of the shed will be reconstructed and he displayed a photograph of the shed as well as a diagram of the part of the shed that will not be altered because it conforms to the code and a diagram of the proposed roof. Mr. Kvapil added that the shed is in a deteriorating condition and must be repaired.

Petitioners' Presentation

Barbara Eichler, the owner of 94 N. Main Street, and Stuart Betts, the builder for the project, of 22W533 Emerson Avenue, Glen Ellyn, Illinois, were present. Ms. Eichler referred to a letter dated June 4, 2009 submitted to the ZBA and explained that the shed is in disrepair, in part, due to the cost of repair. She stated that the shed at one time was part of a farmhouse at 100 N. Main Street which explains the angle and placement of the structure on their lot. Although there is no record of the date of construction of the shed, Ms. Eichler stated that it dates prior to 1922 and possibly back to the turn of the century. The structure has cedar walls with a stone/cement foundation. There are currently holes in the roof, and the petitioners would like to add a translucent roof to allow lighting for a studio, plants, etc. Ms. Eichler added that the structure is charming and can be restored to be an attractive asset to the neighborhood. She stated that a portion of the building only cannot be removed to conform to the code because the foundation is cement. She also stated that the portion of the structure that is nonconforming is a major part of the setting.

Mr. Betts displayed crudely dimensioned sketches he prepared of the proposed changes and stated that the roof pitch, size and height will be the same as currently exists..

Responses to Questions from the ZBA

Mr. Kvapil responded to Mr. Constantino that the shed roof structure requires a variation because of its location in the required side yard setback. Mr. Kvapil also responded to Mr. Kolar that no variations would be required if the nonconforming portion of the structure was removed. Mr. Kvapil responded to Ms. Ozog that replacing siding on the structure would not require a variation.

Ms. Eichler responded to Mr. Constantino that hardships regarding the variation request are that they will lose the structure if it is not restored and their property will subsequently lose attractiveness and value. Ms. Eichler added that they did not create the accessory structure situation. Mr. Betts responded to Mr. Constantino that the area of nonconformity only cannot be repaired because the entire roof needs to be replaced.

In response to Mr. Constantino, Ms. Eichler stated that their closest neighbors (to the north) like the shed and are supportive of the variation request. Ms. Eichler also responded to Mr. Constantino that there are no existing utilities in the shed nor are any planned for the future. At the request of Ms. Ozog, Mr. Betts described the proposed roof. Mr. Betts responded to Mr. Kolar that the shed could be rebuilt to conform to the code, however, Ms. Eichler expressed concerns regarding compromising the integrity of the shed if rebuilt with the existing foundation as well as cost considerations. Ms. Eichler responded to Ms. Ozog that the property does not have a garage and that the existing shed is used as storage.

Persons in Favor of or in Opposition to the Petition

No persons appeared in favor of or in opposition to the variation request.

Comments from the ZBA

All of the ZBA members were in favor of recommending approval of the requested variation because they felt hardships included the location of the shed on the lot and the concrete foundation that makes removing the nonconforming portion of the shed difficult. The ZBA members also felt that the existing shed presents safety issues because of its deteriorated condition and that the renovations will improve the appearance of the unique historical structure. The ZBA members also felt that the proposed shed will not negatively affect the neighborhood as the subject lot is large. Mr. Kolar suggested a condition that if the accessory structure is found to be unsalvageable, a new shed must conform to the code.

Motion

Ms. Fried moved, seconded by Mr. Waterman, to recommend that the Village Board approve a variation from Section 10-8-6(B)3 of the Glen Ellyn Zoning Code to allow the alteration of an existing nonconforming structure based on the findings of fact that the historical structure is unique and the location of the shed on the site is a hardship. The recommendation for approval was subject to the condition that the shed must be reconstructed in substantial conformance with the drawings submitted at the public hearing.

The motion carried unanimously with seven (7) "yes" votes as follows: Board Members Fried, Waterman, Constantino, Kolar, Ozog, Siligmueller and Chairman Garrity voted yes.

PUBLIC HEARING – 592 N. MAIN STREET

A REQUEST FOR APPROVAL OF TWO VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-5-4(A)4a TO ALLOW THE CONSTRUCTION OF A DETACHED GARAGE CLOSER TO THE FRONT PROPERTY LINE THAN THE PRINCIPAL STRUCTURE ON THE LOT. 2. SECTION 10-5-4(A)4c TO ALLOW THE CONSTRUCTION OF A DETACHED GARAGE WITH A SIDE YARD SETBACK OF 3 FEET IN LIEU OF THE MINIMUM REQUIRED SIDE YARD SETBACK OF 7.3 FEET.

*(Bill and Renee Stephan, Owners)*

Staff Introduction

Building and Zoning Official Joe Kvpil stated that Bill and Renee Stephan, the petitioners and owners of 592 N. Main Street, are requesting approval of two variations to allow the construction of a detached garage closer to the front property line than the principal structure on the lot and with a side yard setback of 3 feet in lieu of the minimum required side yard setback of 7.3 feet.

Mr. Kvpil displayed a map and described the location of the subject property which is a corner lot in the R2 residential zoning district. Mr. Kvpil stated that Village records indicate an electrical service upgrade permit and a driveway apron permit were issued for

the subject property in 2001. Village records also indicate no zoning variations having been granted for this property.

Mr. Kvapil displayed a topographical site map of the subject property and explained that the front yard is on Hawthorne Boulevard since that is the shorter lot dimension with street frontage. Mr. Kvapil stated that the subject house is set back 35.24 feet from the front property line and the proposed detached garage is set back 22 feet from the front property line which does not comply with the code. Mr. Kvapil stated that the proposed breezeway is an accessory structure that is 6.5 feet wide and 15 feet long and is not located within the minimum required front or side yard setbacks. He also stated that the area of the breezeway is included in the lot coverage ratio.

Mr. Kvapil added that the owners also intend to remove the two existing driveway approaches and construct two new driveway approaches which is allowed per code.

#### Petitioners' Presentation

Just prior to the meeting, Architect Rene Stratton distributed to the ZBA three photographs of the subject house and a petition with eight signatures in support of the variation requests.

William and Renee Stephan, the petitioners and owners of 592 N. Main Street, and Architect Rene Stratton, 711 Riford Road, Glen Ellyn, Illinois were present to speak on behalf of the variation requests.

Ms. Stephan stated that they are currently working on restoring their historic home which they bought in 2003. She stated that they do not have a garage which is a practical hardship and that their proposed plan will have minimal impact on the neighbors and will, in fact, enhance the neighborhood. She stated that a detached garage would be the most historically accurate type of garage and that a breezeway will attach the garage to the house. Ms. Stephan stated that Hawthorne Boulevard is the front of their lot and that the side yard setback is the most functional area of the property. She displayed drawings of the proposed garage and described its historical details.

Mr. Stephan stated that the biggest hardship regarding the project is that when the original lot was divided, it became difficult to find space for a garage, and he displayed a map showing the subdivided area. Showing a diagram of the garage, Mr. Stephan noted the extent of the proposed garage which is 22 feet from Hawthorne Boulevard and 13 feet forward in front of the house. Mr. Stephan stated that the lack of a garage will impact the resale value of their home.

Ms. Stephan added that the neighbors to the west sent a letter in support of the variation requests because it was the least objectionable of possible options.

Ms. Stratton stated that adding a 6.75-foot by 6.75-foot bump-out on the garage would be for storage and would be located 4 feet from the property line.

Responses to Questions from the ZBA

Mr. Kvapil responded to Mr. Kolar that there are regulations in the code regarding the location of a driveway approach from an intersection but no regulations for the amount of space between driveway approaches. Mr. Kvapil verified for Mr. Kolar that the proposed garage will project 11.27 feet in front of the house to the west. Mr. Kvapil also verified for Ms. Fried that if the front yard was on Main Street, the 3-foot rear yard setback would still be required.

Mr. Siligmuller asked if a viable option would be to put the garage in the southwest corner of the property, and Ms. Stephan responded that there is no serviceable entrance on that side of the home and the garage in that location would interrupt the contiguous green space in the neighbors' yards. She added that the view from Main Street would not be aesthetically pleasing, and Mr. Kvapil added that the setback from Main Street would be 18 feet. Ms. Stratton added that the Village does not want another curb cut on Main Street. Mr. Waterman asked if it would be feasible to slide the garage back 4-1/2 feet, and Ms. Stephan replied that their light and air would then be blocked. Mr. Kolar inquired about the possibility of a tandem garage, and Ms. Stratton responded that a tandem garage would be too close to the house.

Regarding additions, Ms. Stephan responded to Mr. Kolar that a sun porch addition on the south was built before the 1940's and that the kitchen is original. Mr. Kvapil asked if the petitioners' home is a landmarked property, and Ms. Stephan responded that their home is plaqued by the Historical Society.

Persons in Favor of or in Opposition to the Petition

Lee Marks, Chairman of the Historic Preservation Commission, 475 Hawthorne Street, Glen Ellyn, Illinois was strongly supportive of the petitioners' variation requests and stated that every historic house should be considered as a hardship. Mr. Marks stated that much of Glen Ellyn's historic structures have been decimated and that one must think outside the box to protect the Main Street streetscape and ambience.

Lisa Zumbrook, 580 N. Main Street, Glen Ellyn, Illinois, who lives directly south of the petitioners, was in favor of the variation requests. Ms. Zumbrook expressed concern that if the petitioners' garage was located in the southwest corner of the lot, the view from their eating area and patio would be the back of the garage. She also stated that a huge concern regarding the location of the proposed garage is the resale value of her home.

Comments from the ZBA

Four of the seven ZBA members were supportive of the variation requests. Those members in favor felt that the lack of a garage is a hardship, the subdivision of the lot with the Main Street setback was unique and the essential character of the neighborhood would be altered if the garage was constructed to face Main Street. One ZBA member also commented that locating the garage in the southwest corner of the lot is neither aesthetically pleasing nor practical. The three ZBA members not in favor of the variation requests felt that other options for a garage are available as the lot and rear yard setbacks are quite large.

Motion

Ms. Ozog moved, seconded by Ms. Fried, to recommend that the Village Board approve two variation requests from the Glen Ellyn Zoning Code: 1. Section 10-5-4(A)4a to allow the construction of a detached garage closer to the front property line than the principal structure on the lot. 2. Section 10-5-4(A)4c to allow the construction of a detached garage with a side yard setback of 3 feet in lieu of the minimum required side yard setback of 7.3 feet based on the findings of fact that the subdivision of the lot is a hardship that impacts the location of the garage, the home is an historic structure, a garage on Main Street would negatively impact the essential character of the neighborhood and locating the garage in the southwest corner of the property would negatively impact the neighbor to the south. The recommendation for approval was contingent upon the garage being constructed in substantial compliance with the plans as submitted at this meeting.

The motion carried with four (4) "yes" votes and three (3) "no" votes as follows: ZBA members Constantino, Fried, Ozog and Chairman Garrity voted yes; ZBA members Kolar, Siligmuller and Waterman voted no.

Trustee Report

Trustee Ladesic did not present a report.

Staff Report

Mr. Kvapil stated that no ZBA meetings will be scheduled for the month of September due to a lack of petitions.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 10:05 p.m.

Submitted by:

Barbara Utterback, Recording Secretary

Reviewed by:

Joe Kvapil, Building and Zoning Official